

The City Council of the City of Mattoon held a regular meeting in the Council Chambers at City Hall on December 20, 2005 at 7:00 p.m.

Mayor White presiding.

Mayor White requested everyone to observe a moment of silence for Commissioner Terry Cook, who passed away December 19, 2005.

The following members of the Council answered roll call: YEA Commissioner David Cline, YEA Commissioner Randy Ervin, YEA Commissioner David Schilling, YEA Mayor Charles E. White.

Also in attendance were City personnel: City Administrator Richard Underkofler, City Attorney/Treasurer J. Preston Owen, Public Works Director David Wortman, Community Development Coordinator Kyle Gill, Deputy Police Chief David Griffith, Tourism Director Beth Hettinger, Deputy Fire Chief Tim Bragg, and City Clerk Susan O'Brien.

CONSENT AGENDA

(Items listed on the Consent Agenda are considered to be routine in nature and will be enacted by one motion. Prior to asking for a motion to approve the Consent Agenda, the mayor will ask if anyone desires to remove an item from the Consent Agenda for public discussion. No separate discussion of these items will occur unless a Council Member requests the item to be removed from the Consent Agenda. If an item is removed from the Consent Agenda, it will be considered elsewhere on the agenda for this meeting.)

Mayor White seconded by Commissioner Ervin moved to approve the consent agenda consisting of minutes of the regular meeting December 6, 2005; Police Department report for the month of November; payroll and bills for the first half of December including HOME Rehab Grant Expenditures; Resolution 2005-2624, authorizing the Mayor, City Clerk and City Attorney to administratively update written plan documents that reflect material terms, conditions and operation of the City of Mattoon's 457(b) Deferred Compensation Plans for employees and retirees of the municipality consistent with guides of the Internal Revenue Services; Resolutions authorizing additional appropriations for various past street improvement projects as directed by an IDOT audit of expenditures in the Motor Fuel Tax Fund consisting of Resolution 2005-2625, appropriating an additional \$991.74 for a 1986 project for traffic lights at the intersection of Charleston Avenue and Logan Street; Resolution 2005-2626, appropriating an additional \$7,337.90 for a 1990 project for traffic lights at the intersection of State Route 45 and Old State Road; Resolution 2005-2627, appropriating an additional \$2,898.42 for a 1999 project for an engineering study for improvement of the intersection of State Route 16 and Lerna Road; Resolution 2005-2628, appropriating an additional \$320.52 for a 1999 project for an engineering study for improvement of Broadway Avenue from Logan Street to Crestview Street, Resolution 2005-2629, appropriating an additional \$9,524.45 for a 2000 project for an engineering study for improvement of Dewitt and Western Avenues, Resolution 2005-2630, appropriating an additional \$287,376.99 for a 2001 project for improvement of South 12th Street; Council Decision Request 2005-545, rejecting the one bid received and authorizing rebidding of a procurement to refinish the floor area in the prisoner process area (booking room) of the Police building; Council Decision Request 2005-546, reappointing Chris Considine to a four-year term expiring September 1, 2009 on the Tourism Advisory Committee; Council Decision Request 2005-547, re-appointing Dean Coleman, Tim Gover, Hal Kottwitz, Bill Standerfer and David Stapleton to three-year terms expiring December 31, 2008 on the Public Works Advisory Board; Council Decision Request 2005-548, approving a \$4,000 grant from Hotel/Motel Tax Receipts to the Mattoon Wrestling Club to host the Mattoon Kids Open on January 4, 2006; Council Decision Request 2005-549, approving a \$30,000 grant payable over this and the next fiscal year from Hotel/Motel Tax Receipts to Mattoon Pride Softball, Inc. to host six softball tournaments during the spring and summer season; Council Decision Request 2005-550, approving a job description for a part-time Special Event Coordinator to be employed for no more than 1,000 hours in an employment anniversary year at an hourly rate between \$6.50 to \$9.00 per hour commensurate with qualifications and experience and authorizing recruitment for this job (This position would be compensated from Hotel/Motel Tax Receipts); and accepting Michael W. Martin's resignation and expressing thanks for Mike's fifteen years of service to the municipality as a member and secretary of the Board of Zoning Appeals.

Bills and Payroll for the first half of December

General Fund

Payroll	\$ 238,604.57
Bills	\$ 124,709.32
Total	\$ 363,313.89

Hotel Tax Fund

Payroll	\$ 1,416.33
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Bills		\$ 2,838.80
	Total	\$ 4,255.13
	<u>Festival Management</u>	
Bills		\$ 5,561.25
	Total	\$ 5,561.25
	<u>Insurance & Tort Judgment</u>	
Bills		\$ 21,722.07
	Total	\$ 21,722.07
	<u>Midtown TIF Fund</u>	
Bills		\$ 12,474.00
	Total	\$ 12,474.00
	<u>Capital Project Fund</u>	
Bills		\$ 25,481.76
		\$ 25,481.76
	<u>Water Fund</u>	
Payroll		\$ 28,201.59
Bills		\$ 69,290.77
	Total	\$ 97,492.36
	<u>Sewer Fund</u>	
Payroll		\$ 26,986.37
Bills		\$ 82,639.86
	Total	\$ 109,626.23
	<u>Cemetery Fund</u>	
Payroll		\$ 2,952.55
Bills		\$ 31,169.71
	Total	\$ 34,122.26
	<u>Motor Fuel Tax Fund</u>	
Bills		\$ 4,114.58
	Total	\$ 4,114.58
	<u>Health Insurance</u>	
Bills		\$ 86,543.83
	Total	\$ 86,543.83

CITY OF MATTOON, ILLINOIS

RESOLUTION NO. 2005-2624

A RESOLUTION AUTHORIZING THE MAYOR, CITY CLERK AND CITY ATTORNEY TO ADMINISTRATIVELY UPDATE WRITTEN PLAN DOCUMENTS THAT REFLECT MATERIAL TERMS, CONDITIONS AND OPERATION OF THE CITY OF MATTOON'S 457(b) DEFERRED COMPENSATION PLANS FOR EMPLOYEES AND RETIREES OF THE MUNICIPALITY CONSISTENT WITH GUIDES OF THE INTERNAL REVENUE SERVICE

WHEREAS, employees of the City of Mattoon have been authorized to participate in deferred compensation plans allowed by the Internal Revenue Code by Resolution No. 99-2223, a Deferred Compensation Salary Master Agreement dated January 10, 1977, subsequent resolutions and ordinances; and

WHEREAS, presently the City has authorized employees to choose and participate in six 457(b) plans administered by Lincoln National Financial Group, the Mass Mutual Financial Group, the Metropolitan Life Insurance Company, Sun America Financial, Variable Annuity Life Insurance Company (VALIC) and the ICMA Retirement Corporation; and

WHEREAS, the Internal Revenue Service (IRS) has provided guidance regarding plan document requirements under the Internal Revenue Code (IRC) Section 457 regulations; and

WHEREAS, these IRC guides set a deadline of December 31, 2005 for all state and local government sponsors of IRC section 457(b) plans

(Seal)

/s/ Susan J. O'Brien
City Clerk

RESOLUTION 2005-2626

**SUPPLEMENTAL RESOLUTION FOR IMPROVEMENT BY
MUNICIPALITY UNDER THE ILLINOIS HIGHWAY CODE**

BE IT RESOLVED, by the Council of the City of Mattoon, Illinois that the following described street (s) be improved under the Illinois Highway Code

<u>Name of Thoroughfare</u>	<u>Route</u>	<u>From</u>	<u>To</u>

BE IT FURTHER RESOLVED,

1. That the proposed improvement shall consist of City's Participation in Traffic Lights Logan & Charleston and be designated as Section 90-00086-00-TL
2. That there is hereby appropriated the (additional) sum of Nine Hundred Ninety One Dollars and Seventy Four cents (\$991.74) for the improvement of said section from the municipality's allotment of Motor Fuel Tax funds.
3. 3. That work shall be done by _____; and,

BE IT FURTHER RESOLVED, that the Clerk is hereby directed to transmit two certified copies of this resolution to the district office of the Department of Transportation.

I, Susan O'Brien Clerk in and for the City of Mattoon County of Coles, hereby certify the foregoing to be a true, perfect and complete copy of a resolution adopted by the Council at a meeting on December 20, 2005.

IN TESTIMONY WHEREOF, I have hereunto set my hand and seal this 21 day of December, 2005.

(Seal)

/s/ Susan J. O'Brien
City Clerk

RESOLUTION 2005-2627

**SUPPLEMENTAL RESOLUTION FOR IMPROVEMENT BY
MUNICIPALITY UNDER THE ILLINOIS HIGHWAY CODE**

BE IT RESOLVED, by the Council of the City of Mattoon Illinois that the following described street(s) be improved under the Illinois Highway Code:

<u>Name of Thoroughfare</u>	<u>Route</u>	<u>From</u>	<u>To</u>

BE IT FURTHER RESOLVED,

1. That the proposed improvement shall consist of Engineering Study Rt. 16 and Lerna Road and be designated as Section 99-00096-00-ES.
2. That there is hereby appropriated the (additional) sum of Two Thousand Eight Hundred Ninety Eight Dollars and Forty Two cents (\$2,898.42) for the improvement of said section from the municipality's allotment of Motor Fuel Tax funds.

3. That work shall be done by _____; and,

BE IT FURTHER RESOLVED, that the Clerk is hereby directed to transmit two certified copies of this resolution to the district office of the Department of Transportation.

I, Susan O'Brien Clerk in and for the City of Mattoon County of Coles, hereby certify the foregoing to be a true, perfect and complete copy of a resolution adopted by the Council at a meeting on December 20, 2005.

IN TESTIMONY WHEREOF, I have hereunto set my and seal this 21st day of December, 2005.

/s/ Susan J. O'Brien
City Clerk

RESOLUTION 2005-2628

**SUPPLEMENTAL RESOLUTION FOR IMPROVEMENT BY
MUNCIPALITY UNDER THE ILLINOIS HIGHWAY CODE**

BE IT RESOLVED, by the Council of the City of Mattoon Illinois that the following described street(s) be improved under the Illinois Highway Code:

Name of Thoroughfare	Route	From	To

BE IT FURTHER RESOLVED,

1. That the proposed improvement shall consist of Engineering Study Broadway, Logan to Crestview and shall be designated as Section 99-00097-00 EG.
2. That there is hereby appropriated the additional sum of Three Hundred Twenty Dollars and Fifty Two cents (\$320.52) for the improvement of said section from the municipality's allotment of Motor Fuel Tax funds.
3. That Work shall be done by _____; and,

BE IT FURTHER RESOLVED, that the Clerk is hereby directed to transmit two certified copies of this resolution to the district office of the Department of Transportation.

I, Susan J. O'Brien, Clerk in and for the City of Mattoon County of Coles, hereby certify the foregoing to be a true, perfect and complete copy of a resolution adopted by the Council at a meeting on December 20, 2005.

IN TESTIMONY WHEREOF, I have hereunto set my hand and seal this 21st day of December, 2005.

/s/ Susan J. O'Brien
City Clerk

RESOLUTION 2005-2629

**SUPPLEMENTAL RESOLUTION FOR IMPROVEMENT BY MUNCIPALITY
UNDER THE ILLINOIS HIGHWAY CODE**

BE IT RESOLVED, by the Council of the City of Mattoon Illinois that the following described street(s) be improved under the Illinois Highway Code.

Name of Thoroughfare	Route	From	To

BE IT FURTHER RESOLVED,

1. That the proposed improvement shall consist of Engineering Study for Dewitt Ave. and Western Ave. and be designated as Section 00-00098-00 ES.
2. That there is hereby appropriated the additional sum of Nine Thousand Five Hundred Twenty Four Dollars and Forty Five cents (\$9,524.45) for the improvement of said section from the municipality's allotment of Motor Fuel Tax funds.
3. That work shall be done by _____ ; and

BE IT FURTHER RESOLVED, that the Clerk is hereby directed to transmit two certified copies of this resolution to the district office of the Department of Transportation.

I, Susan O'Brien, Clerk in and for the City of Mattoon County of Coles, hereby certify the foregoing to be a true, perfect and complete copy of a resolution adopted by the Council at a meeting on December 20, 2005.

IN TESTIMONY WHEREOF, I have hereunto set my hand and seal this 21st day of December 2005.

/s/ Susan J. O'Brien
City Clerk

RESOLUTION 2005-2630
SUPPLEMENTAL RESOLUTION FOR IMPROVEMENT BY
MUNICIPALITY UNDER THE ILLINOIS HIGHWAY CODE

BE IT RESOLVED, by the Council of the City of Mattoon, Illinois that the following described street(s) be improved under the Illinois Highway Code:

Name of Thoroughfare	Route	From	To

BE IT FURTHER RESOLVED,

1. That the proposed improvement shall consist of Paving S 12th Street and be designated as Section 01-00101-00 PV
2. That there is hereby appropriated the additional sum of Two Hundred Eighty Seven Thousand, Three Hundred Seventy Six Dollars and Ninety Nine cents (\$287,376.99) for the improvement of said section from the municipality's allotment of Motor Fuel Tax funds.
3. That work shall be done by _____ ; and,

BE IT FURTHER RESOLVED, that the Clerk is hereby directed to transmit two certified copies of this resolution to the district office of the Department of Transportation.

I, Susan O'Brien Clerk in and for the City of Mattoon County of Coles, hereby certify the foregoing to be a true, perfect and complete copy of a resolution adopted by the Council at a meeting on December 20, 2005.

IN TESTIMONY WHEREOF, I have hereunto set my hand and seal this 21 day of December, 2005

/s/Susan J. O'Brien
City Clerk

Mayor White opened the floor for discussion. Mayor White announced the police department rebidding to refinish the floor area was due to the receipt of only one bid.

Mayor White declared the motion to approve the consent agenda carried by the following vote: YEA Commissioner Cline, YEA Commissioner Ervin, YEA Commissioner Schilling, YEA Mayor White.

PUBLIC PRESENTATIONS, PETITIONS AND COMMUNICATIONS

This portion of the City Council meeting is reserved for persons who desire to address the Council. The Illinois Open Meeting Act mandates that the City Council may NOT take action on comments received on matters that have not been identified on this agenda, but the Council may direct staff to address the topic or refer the matter for action on the agenda for another meeting. Persons addressing the Council are requested to limit their presentations to three minutes and to avoid repetitious comments.

There were no comments from the floor.

UNFINISHED BUSINESS

Commissioner Cline seconded by Commissioner Schilling moved to adopt Special Ordinance 2005-1103, levying taxes for all corporate purposes for the fiscal year beginning May 1, 2005 and ending April 30, 2006.

**CITY OF MATTOON, ILLINOIS
SPECIAL ORDINANCE NO. 2005-1103**

AN ORDINANCE LEVYING TAXES FOR ALL CORPORATE PURPOSES FOR THE CITY OF MATTOON, COLES COUNTY, ILLINOIS, FOR THE FISCAL YEAR BEGINNING MAY 1, 2005 AND ENDING APRIL 30, 2006

BE IT ORDAINED by the Mayor and City Council of the City of Mattoon, Coles County, Illinois:

Section 1. Assumed Equalized Assessed Valuation. The corporate authorities have assumed the Equalized Assessed Valuation (EAV) of property within the municipality will increase from \$163,272,483 to \$166,537,933, two (2%) percent over the previous fiscal year.

Section 2. Tax Levy. The amount hereinafter set forth, or so much thereof as may be authorized by law, and the same are hereby levied upon all property subject to taxation within the municipality as that property is assessed and equalized for the current year, to defray expenses and liabilities for the City of Mattoon, Coles County, Illinois, for the fiscal year beginning May 1, 2005 and ending April 30, 2006. The total property tax levy extension is attached hereto and marked as “Exhibit A” and incorporated herein by reference.

Section 3. Maximum Rates for Certain Services. If the equalized assessed value of the municipality ends up lower or higher than the value anticipated by this ordinance, the Coles County Clerk is petitioned to levy the maximum property tax rate authorized by law for General Corporate, Police Protection, Fire Protection and Library purposes.

Section 4. Tax Abatement for General Obligation Bonds. Since alternative revenue sources will be sufficient to pay debt service on the City of Mattoon’s General Obligation Bonds, the 2005 tax levy (to be received in 2006) is hereby abated for the following General Obligation Bonds:

<u>Issue</u>		<u>Tax Levy Years</u>	<u>Bond Ordinance Number</u>
Series 2003 Water Refunding Bonds	2004 thru 2015	Special Ordinance 2003-928	
Series 2003 Library Refunding Bonds	2004 thru 2013	Special Ordinance 2003-936	
Series 2003A Pension Obligation Bonds	2004 thru 2013	Special Ordinance 2003-938	
Series 2005A Sewer Refunding Bonds	2006 thru 2018	Special Ordinance 2004-1050	
Series 2005B Police Refunding Bonds	2006 thru 2019	Special Ordinance 2004-1050	

The levy for paying principal and interest on these bonds shall only be abated for the 2005 tax levy. In all other respects, the ordinances that authorized the foregoing bonds shall continue in effect according to the express terms thereof.

Section 5. Amount to be Raised by Tax Levy. The amount to be levied for each purpose is placed in a separate column under the heading “Amount to Raised by Tax Levy”, which appears over same being as follows, to wit:

	Amount	Amount To Be Received from <u>Other Sources</u>	Amount To Be Raised By <u>Tax Levy</u>
General Fund			
General Government	757,092	757,092	-0-
Public Safety	8,051,420	7,551,806	499,614
Public Works	1,653,172	1,653,172	-0-
Health & Welfare	731,690	315,345	416,345
Culture & Recreation	697,229	590,478	106,751
Economic Development	320,136	320,136	-0-
Debt Service	657,784	657,784	-0-
Other Financing Uses	<u>1,196,110</u>	<u>1,196,110</u>	<u>-0-</u>
Total General Fund	\$ 14,064,633	\$ 13,041,914	\$ 1,022,709

Statutory Authority:

General Corporate Tax (65 ILCS 5/8-3-1): 0.25 Limit	416,345
Fire Protection (65 ILCS 5/11-7-1): 0.15 Limit	249,807
Police Protection (65 ILCS 5/11-1-3): 0.15 Limit	249,807
Parks (65 ILCS 5/11-98-1): 0.075 Limit	<u>106,751</u>
	\$ 1,022,709

	Amount	Amount To Be Received from <u>Other Sources</u>	Amount To Be Raised By <u>Tax Levy</u>
Other Governmental Funds:			
Library Fund	\$ 487,666	\$ 104,629	\$ 383,037
Motor Fuel Tax Fund	1,441,950	1,441,950	-0-
Hotel & Motel Tax Fund	227,628	227,628	-0-
Festival Management Fund	278,992	278,992	-0-
Insurance & Tort Judgment Fund:	1,181,259	1,181,259	-0-
Home Rehabilitation Grant Fund	210,000	210,000	-0-
Revolving Loan Fund	332,816	332,816	-0-
Midtown TIF Fund	246,289	246,289	-0-
Capital Improvement Fund	<u>2,997,670</u>	<u>2,997,670</u>	<u>-0-</u>
Total Other Governmental Funds	\$ 7,404,270	\$ 7,021,233	\$ 383,037

Statutory Authority:

Library (75 ILCS 5/3-1, 5/3-4, 5/3-7) 0.23 Limit	\$ 383,037
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Enterprise Funds:

Water Fund	\$ 5,069,843	\$ 5,069,843	-0-
Sewer Fund	5,273,194	5,273,194	-0-
Cemetery Fund	<u>227,091</u>	<u>227,091</u>	<u>-0-</u>
Total Enterprise Funds	\$ 10,570,128	\$ 10,570,128	-0-

	Amount To Be	Amount To
Amount	Received from	Be Raised By
<u>Budgeted</u>	<u>Other Sources</u>	<u>Tax Levy</u>

Pension Levies:

Firemen's Pension (40 ILCS 5/4-118) No Limit	\$ 873,336
Policemen's Pension (40 ILCS 5/3-125) No Limit	<u>734,188</u>
	\$ 1,607,524

All Fund Totals	\$ 32,039,031	\$ 29,025,760	\$
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3,013,271

Section 6. The City Clerk shall make and file with the Clerk of Coles County, on or before the last Tuesday in December, a duly certified copy of this ordinance.

Section 7. If any section, subdivision or sentence of this ordinance shall for any reason is held invalid or to be unconstitutional, such decision shall not affect the validity of the remaining part of this ordinance.

Section 8. This ordinance shall be in full force and effect after its adoption, as provided by law.

Upon motion by Commissioner Cline, seconded by Commissioner Schilling, adopted this 29th day of December, 2005, by a roll call vote, as follows:

AYES (Names): Commissioner Cline, Commissioner Ervin,
Commissioner Schilling, Mayor White

NAYS (Names): None

ABSENT (Names): None

Approved this 20th day of December, 2005.

/s/ Charles E. White

Charles E. White, Mayor
City of Mattoon, Coles County, Illinois

ATTEST: APPROVED AS TO FORM

/s/ Susan J. O'Brien

Susan J. O'Brien, City Clerk

/s/ J. Preston Owen

J. Preston Owen, City Attorney

Recorded in the Municipality's Records on December 21 , 2005.

Mayor White opened the floor for discussion. No discussion.

Mayor White declared the motion carried by the following vote: YEA Commissioner Cline, YEA Commissioner Ervin, YEA Commissioner Schilling, YEA Mayor White.

Commissioner Schilling seconded by Commissioner Ervin moved to adopt Special Ordinance 2005-1104, authorizing the sale of 2.26 acres of land owned by the municipality on the west side of Lake Paradise to Peggy D. Pope, current owner of a home on leased premises located at 3389 West Lake Paradise Road.

CITY OF MATTOON, ILLINOIS

SPECIAL ORDINANCE NO. 2005-1104

AN ORDINANCE AUTHORIZING THE SALE OF SURPLUS REAL ESTATE OWNED BY THE MUNICIPALITY AT LAKE PARADISE TO PEGGY D. POPE

WHEREAS, state statute (65 ILCS 5/11-76-4.1) enables the corporate authorities to accept any contract proposal for the sale of real estate owned by the municipality determined by them to be in the best interest of the municipality by a vote of two-thirds of the corporate authorities then holding office, but in no event at a price less than 80% of the appraised value; and

WHEREAS, Peggy D. Pope, owner of a home located on premises leased from the municipality located at 3389 West Lake Paradise Road, made application to acquire her leased premises; and

WHEREAS, by Council Decision Request 2005-506 approved September 6, 2005, the City Council determined it would be inappropriate to offer this property to competitive bidding since the homeowner has an investment in the leasehold improvements;

WHEREAS, said Council Decision Request authorized the management staff to initiate procedures to enable the sale of real estate owned by the municipality on the west side of Lake Paradise to Peggy D. Pope at 100% of its appraised fair market value subject to certain deed covenants, conditions and restrictions with Ms. Pope's agreement to assume responsibility for all costs to prepare the conveyance transaction; and

WHEREAS, a \$5,000 deposit was received by the City of Mattoon on September 20, 2005 to cover costs of this conveyance transaction; and

WHEREAS, The Upchurch Group prepared a survey plat and legal description of the real estate to be conveyed by the ordinance; and

WHEREAS, Stan Gordon of Gordon Appraisal Service, Inc, determined \$26,500 was the fair market value of the premises as of October 11, 2005; and

WHEREAS, Crites Title Insurance Company performed a title search and issued a preliminary commitment dated November 28, 2005 for a policy of title insurance insuring the City's authority to convey this real estate by a warranty deed; and

WHEREAS, notice of this proposed ordinance was published December 17, 2005 in the Mattoon Journal Gazette.

NOW, THEREFORE, BE IT ORDAINED BY THE CITY COUNCIL FOR THE CITY OF MATTOON, COLES COUNTY, ILLINOIS, as follows:

Section 1. The City Council hereby finds that real estate owned by the municipality that is the subject of this ordinance is no longer necessary or required for the use of the municipality.

Section 2. The mayor and city clerk are authorized to sign documents conveying a warranty deed to the real estate described in Section 4 of this ordinance from the City of Mattoon to Peggy D. Pope subject to a \$26,500 sale price with BUYER assuming responsibility for costs for publication of this ordinance, remaining costs of a \$26,500 ALTA title insurance policy issued by Crites Title Insurance Company, recording fees, covenants, conditions and restrictions described in Section 3 of this ordinance. Funds on deposit in excess of actual costs for preparing this conveyance transaction shall be applied to the BUYER's purchase price at closing.

Section 3. The following covenants, conditions and restrictions shall be recorded and run with the title to the property:

- (a) A one (1) single family residential dwelling unit limit with not more than three bedrooms on the premises;
- (b) A prohibition on commercial and multi-family uses as well as construction of new accessory uses (garages, boat houses, barns,

etc.) that would consume land area necessary for on-site septic systems unless a variance is approved by the Coles County Health Department;

- (c) A covenant to assure installation and use of the septic system will continuously comply with Illinois statutes and regulations of the Coles County Health Department;
- (d) A 60 foot easement for public road and utility uses for the West Lake Paradise Road right-of-way; and
- (e) A conservation buffer easement for all area on the lake side of West Lake Paradise Road. The City of Mattoon retains a right to review, approve or deny applications for any construction or development in this area to assure that uses proposed and uses occurring in this area will not adversely affect water quality or fish habitat.

Section 4. The real estate to be conveyed pursuant to this ordinance is legally described as follows:

Part of the South 7 acres of the West Half of the Southeast Quarter of the Southeast Quarter of Section 5, Township 11 North, Range 7 East of the Third Principal Meridian, Coles County, Illinois more particularly described as follows:

Commencing at an iron pin with cap #2548 at the Southwest corner of the Southeast Quarter of Section 5, Township 11 North, Range 7 East of the Third Principal Meridian (recorded as Monument Record Book 2, page 204), Coles County, Illinois; thence azimuth 88 degrees 55 minutes 45 seconds (azimuths based on Illinois State Plane Coordinates East Zone), 1343.20 feet along the south line of the Southeast Quarter of said Section 5 to the west line of the South 7 acres of the West Half of the Southeast Quarter of the Southeast Quarter of said Section 5; thence azimuth 00 degrees 28 minutes 06 seconds along said west line, 108.46 feet to an iron pin with cap #2548 being the Point of Beginning; thence continue azimuth 00 degrees 28 minutes 06 seconds along said west line 345.00 feet to an iron pin with cap #2548 in the north line of the said South 7 acres; thence azimuth 88 degrees 55 minutes 45 seconds, 223.00 feet along said north line to an iron pin with cap #2548; thence azimuth 113 degrees 18 minutes 03 seconds, 175.00 feet; thence azimuth 196 degrees 03 minutes 17 seconds, 206.00 feet; thence azimuth 268 degrees 55 minutes 45 seconds, 205.00 feet to an iron pin with cap #2548; thence 18.00 feet southwesterly on a non-tangential curve to the right having a radius of 350.00 feet, the chord of said curve bears azimuth 225 degrees 42 minutes 08 seconds, 18.00 feet to an iron pin with cap #2548; thence azimuth 227 degrees 10 minutes 34 seconds, 95.31 feet to an iron pin with cap #2548; thence azimuth 268 degrees 55 minutes 45 seconds, 41.80 feet to the Point of Beginning, containing 2.260 acres, more or less, all situated in Paradise Township, Coles County, Illinois.

Said parcel is shown by the plat attached hereto and made a part hereof.

Section 4. Peggy D. Pope and successor owners of the real estate that is the subject of this ordinance may be granted a permit for continued use of a dock on the west bank of Lake Paradise provided future dock repair or replacement work is performed according to specifications approved by the Public Works Director and payment is current of annual permit fees to be established by the City of Mattoon to recover costs for annual inspections to assure the dock remains compliant with specification standards.

Section 5. This ordinance shall be deemed published as of the day of its adoption and approval by the City Council.

Section 6. This ordinance shall be effective upon its approval as provided by law.

Section 7. The City Clerk shall file a copy of this ordinance with the Coles County Recorder of Deeds.

Upon motion by Commissioner Schilling, seconded by Commissioner Ervin , adopted this 20th day of December, 2005, by a roll call vote, as follows:

AYES (Names): Commissioner Cline, Commissioner Ervin,
 Commissioner Schilling, Mayor White

NAYS (Names): None

ABSENT (Names): None

Approved this 20th day of December, 2005.

/s/ Charles E. White

Charles E. White,

Mayor

City of Mattoon, Coles County, Illinois

ATTEST:

APPROVED AS TO FORM

/s/ Susan J. O'Brien

/s/ J. Preston Owen

Susan J. O'Brien, City Clerk

J. Preston Owen, City Attorney

Recorded in the Municipality's Records on December 21, 2005.

Attachment – Legal Description and Plat of Survey, The Upchurch Group, 11/14/2005, Job 7105095

Mayor White opened the floor for discussion. No discussion.

Mayor White declared the motion carried by the following vote: YEA Commissioner Cline, YEA Commissioner Ervin, YEA Commissioner Schilling, YEA Mayor White.

Commissioner Schilling seconded by Commissioner Cline moved to adopt Resolution 2005-2631, authorizing an agreement with the Coles County Historical Society for restoration of the Illinois Central Railroad Depot.

CITY OF MATTOON, ILLINOIS

RESOLUTION NO. 2005-2631

A RESOLUTION AUTHORIZING AN AGREEMENT WITH THE COLES COUNTY HISTORICAL SOCIETY FOR RESTORATION OF THE ILLINOIS CENTRAL RAILROAD DEPOT

BE IT RESOLVED BY THE CITY COUNCIL FOR THE CITY OF MATTOON, COLES COUNTY, ILLINOIS that the mayor is authorized on behalf of the City Council, to sign an "AGREEMENT FOR DEPOT RESTORATION", a copy of which is attached and incorporated herein by reference.

Upon motion by Commissioner Schilling seconded by Commissioner Cline, adopted this 20th of December, 2005, by a roll call vote, as follows:

AYES (Names): Commissioner Cline, Commissioner Ervin,
Commissioner Schilling, Mayor White

NAYS (Names): None

ABSENT (Names): None

Approved this 20th day of December, 2005.

/s/ Charles E. White

Charles E. White, Mayor

City of Mattoon, Coles County, Illinois

ATTEST:

APPROVED AS TO FORM

/s/ Susan J. O'Brien

/s/ J. Preston Owen

Susan J. O'Brien, City Clerk

J. Preston Owen, City Attorney

Recorded in the Municipality's Records on December 21, 2005.

AGREEMENT FOR DEPOT RESTORATION

This Agreement is made and entered into this ____ day of _____ 2006 by and between the City of Mattoon, Coles County,

Illinois, an Illinois municipal corporation (hereinafter, “CITY”) and the Coles County Historical Society (hereinafter, “CCHS”), an Illinois not for profit corporation.

WHEREAS, CCHS leased the Illinois Central Railroad Depot (hereinafter, “Depot”) from CITY for a twenty-five (25) year term, commencing on August 1, 2002, with an option to extend the term of the lease for one (1) ten-year period; and

WHEREAS, CCHS pledged to be responsible for the financing of alterations and improvements to the premises of the Depot subject to receipt of sufficient grants and donations; and

WHEREAS, grants were secured from Great American Railway Society, the Illinois Historical Preservation Agency, the Illinois Department of Transportation and the City of Mattoon for restoration of Depot’s tile roof and gutters; and

WHEREAS, CCHS will assume occupancy and responsibility for operation and maintenance for the Depot after its rehabilitation is complete to operate a transportation museum that will present the important role railroads played in Mattoon’s community and economic development; and

WHEREAS, a \$2,536,600 appropriation has been earmarked to CITY for restoration of the Depot over the next four fiscal years (2006-2009) in the federal transportation bill adopted by Congress in July 2005 and signed by President Bush in August of 2005 (The Transportation Equity Act of 2005); and

WHEREAS, the Illinois Department of Transportation (IDOT) has pledged to contribute \$50,000 from its Amtrak operating agreement, on a reimbursable basis, to CITY to install an elevator in the Depot; and

WHEREAS, the Mattoon City Council has pledged \$70,000 from its Capital Improvement Fund for the accessible platform, water and sewer service components of the Project; and

WHEREAS, the Illinois Department of Commerce and Economic Opportunity is expected to offer a \$115,630 grant to CCHS to assist with the cost of architectural plans and specifications and cost estimates for the restoration and adaptive reuse of the Depot; and

WHEREAS, CCHS is reasonably certain sufficient funding will be available from its capital campaign over the next two years to underwrite costs for construction of the Project excess of the aforementioned sources of financing for restoration of the Depot.

NOW, THEREFORE, the governing boards of CCHS and CITY hereby authorize their Chief Executive Officers to execute this Agreement between the parties, all in consideration of the terms and conditions set forth herein.

Section 1. The recitals made in the preamble to this Agreement between the parties are hereby found to be true and correct and are hereby adopted.

Section 2. Current cost estimates for the Project are presented in the following table:

<u>Type of Work</u>	<u>Federal Share</u>	<u>Sponsor Share (Local Match)</u>	<u>Totals</u>
Preliminary Engineering I	\$ 0.00	\$ 10,384.44	\$ 10,384.44
Preliminary Engineering II	0.00	231,259.58	231,259.58
Right-of-Way Acquisition (50/50)	0.00	0.00	0.00
Utility Relocations	0.00	0.00	0.00
Construction	2,536,600.00	350,993.55	2,887,593.55
Construction Engineering	0.00	41,532.43	41,532.43
Total Project Costs	\$ 2,536,600.00	\$ 634,170.00	\$ 3,170,770.00

Section 3. The sources of funds for financing the Project are presented in the following table:

Federal Share of Project Budget

H.R. 3 – Transportation Equity Act of 2005

Project Name: Mattoon, Illinois
Historic Railroad Depot Restoration / Intermodal Center

4-Year Amount Earmarked: \$2,536,600
High Priority Projects, Bus and Bus Facilities, Line 186 - \$1,337,600
High Priority Projects, Line 4116 - \$1,200,000

Intended Recipient (implementing agency): City of Mattoon, Illinois

Non-Federal Share of Project Budget

Coles County Historical Society	Capital Campaign	\$ 398,540
IL DCEO	Tourism Attraction Development Program (TAP) Grant	115,630
City of Mattoon	Capital Improvement Fund	70,000
IDOT Bureau of Railroads	Amtrak Operating Agreement	50,000
	Sponsor's Non-Federal Share	\$ 634,170

Section 4. CITY agrees to assume responsibility for local sponsorship and management of the Project and reaffirms its commitment to contribute \$70,000 from its Capital Improvement Fund for the non-federal share of project costs for design and construction of a railroad passenger platform accessible for persons with physical disabilities and for the water and sewer service for the Depot Restoration Project. \$17,307.40 of this amount will be expensed by CITY to retain The Upchurch Group for the preparation of engineering plans, specifications, bidding and contract documents for water and sewer service for the building and the accessible platform components of the Project.

Section 5. CCHS agrees to contribute \$398,540 from its Capital Campaign as well as \$115,630 from its Tourism Attraction Program (TAP) Development Grant for the non-federal share of the project costs.

(a) \$213,952.18 of the non-federal share of the project budget will be expensed directly by CCHS for preparation of architectural and engineering plans, specifications, bidding and contract documents, identified as "Preliminary Engineering II" in the line item budget presented in the following table. The architectural plans will be prepared by Hance, Utz & Associates, LLC, 1013 South 19th Street, Mattoon, Illinois 61938. Don Hance, AIA, is the architect of record. Don's phone number is 217-235-4181; e-mail donhance@hanceutz.com.

Preliminary Engineering II Budget

Project Components	Design Consultant	TAP Grant	Local Match	Total Cost
Accessible Platform, Water & Sewer Service	Upchurch	\$ 0	\$ 17,307.40	\$ 17,307.40
Environmental Abatement	Hance	0	2,346.00	2,346.00
Gas & Electric Utility Service	Hance	0	4,283.21	4,283.21
Accessible Entrance & Elevator	Hance	0	25,808.76	25,808.76
Building Restoration	Hance	115,629.79	27,066.91	142,696.70
Site Work	Hance	0	31,130.57	31,130.57
Museum Buildout	Hance	0	7,686.94	7,686.94
PE II Totals		\$ 115,629.79	\$ 115,629.79	\$ 231,259.58

(b) \$300,214 of the non-federal share of the project budget will be paid by CCHS to CITY to assist with financing for the various construction contracts for the Depot Restoration according to the following payment schedule:

Prior to award of the Environmental Abatement Contract	\$ 16,000
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Prior to award of the Gas & Electrical Service Contract	10,000
Prior to award of the Accessible Entrance & Elevator Contract	50,000
Prior to award of the Building Restoration Contract	180,000
Prior to award of the Site Work Contract	20,000
Prior to award of the Museum Buildout Contract	24,214
Basis: \$398,540 – 98,326 = \$300,214	\$ 300,214

Section 6. This table presents the projected implementation schedule for the Project.

Project Phase	Timeline
Preliminary Engineering I	August 2005 to March 2006
Preliminary Engineering II	April 2006 to March 2007
Environmental Abatement, Gas & Electric Service, Accessible Entrance & Elevator Contracts	April 2007 to March 2008
Accessible Platform, Water & Sewer Service Construction Contracts	April 2007 to March 2008
Building Restoration & Site Work Construction Contracts	April 2008 to March 2009
Museum Buildout Construction Contract	April 2009 to March 2010

Section 7. Prior to advertising for bids for construction of the various phases of the Project, CCHS shall review the architectural plans and specifications prepared by Hance, Utz & Associates and certify to CITY that the plans are approved by CCHS.

Section 8. CITY shall retain Hance, Utz & Associates to manage the solicitation of competitive bids, award of the construction contracts, construction phase observation, approval of periodic pay requests from the construction contractors and post construction services, including the preparation of “as built” drawings, operation and maintenance manuals for electrical and mechanical equipment installed incidental to the Project.

Section 9. Upon completion of the museum build-out phase of the building restoration, CCHS agrees it will bear the financial responsibility for funding of a security, operation and maintenance plan for the Depot for the term of its lease. CITY will assign its Amtrak lease revenues to CCHS. CITY agrees to authorize CCHS to sub-lease portions of the restored Depot structure for compatible office and retail uses to generate income to staff, operate the museum and maintain the building. Rental income from the sublease of space in the building and interest income from the endowment of the CCHS must be sufficient to underwrite the operating expenses of the museum, maintenance and repair expenses of the building.

IN WITNESS WHEREOF, the parties hereto have affixed their signature the day and year below written.

City of Mattoon, Coles County, Illinois,
a municipal corporation

Coles County Historical Society,
an Illinois not for profit corporation

By _____
Charles E. White, Mayor

By ____/s/ Rob Doyle _____
Rob Doyle, President

Date: _____

Date: December 8, 2005

ATTEST:

Susan J. O'Brien, City Clerk

_____/s/ Jacqueline C. Record _____
Secretary

Mayor White opened the floor for discussion. No discussion.

Mayor White declared the motion carried by the following vote: YEA Commissioner Cline, YEA Commissioner Ervin, YEA Commissioner Schilling, YEA Mayor White.

Mayor White seconded by Commissioner Ervin moved to recess to closed session at 7:05 p.m. pursuant to the Illinois Open Meetings Act for the purpose of considering the employment, performance or dismissal of employees of the municipality (5 ILCS 120(2)(c)(1); the purchase or lease of real property (5 ILCS 120(2)(c)(5); the price for sale or lease of property (5 ILCS 120(2)(c)(6); or litigation affecting or on behalf of the City of Mattoon (5 ILCS 120(2)(c)(11); status of negotiations for acquisition of property adjacent to the YMCA, status of work for acquisition of property for the Kickapoo Watershed Flood Control Project, review performance appraisals of management employees – Beth Hettinger, Tourism Coordinator; appointment of an Acting City Administrator; and vacancy on the Council.

Mayor White declared the motion carried by the following vote: YEA Commissioner Cline, YEA Commissioner Ervin, YEA Commissioner Schilling, YEA Mayor White.

Council reconvened from closed session at 8:01 p.m.

Mayor White seconded by Commissioner Cline moved to appoint J. Preston Owen as Acting City Administrator at the same salary level as the current City Administrator until the permanent position is filled.

Mayor White declared the motion carried by the following vote: YEA Commissioner Cline, YEA Commissioner Ervin, YEA Commissioner Schilling, YEA Mayor White.

Commissioner Schilling seconded by Mayor White moved to adjourn at 8:02 p.m.

Mayor White declared the motion carried by the following vote: YEA Commissioner Cline, YEA Commissioner Ervin, YEA Commissioner Schilling, YEA Mayor White.

/s/ Susan J. O'Brien
City Clerk